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By ECF

The Honorable Sarah L. Cave
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

Defendant's letter-motion requesting that the settlement conference scheduled for Tuesday, February 7, 2023 at 2:30 p.m. be adjourned (ECF No. 36) is GRANTED, and the Court shall issue an amended conference scheduling order separately.

The Clerk of Court is respectfully directed to close ECF No. 36.

SO ORDERED 12/22/22


SARAH L. CAVE
United States Magistrate Judge

Re: *Jingle Kids USA, LLC v. In Colour Capital, Inc.*,
No. 1:22-cv-07089-VSB-SLC

Dear Judge Cave:

We represent defendant/counterclaim-plaintiff/third-party plaintiff In Colour Capital, Inc. ("In Colour") in the above-referenced action. As Your Honor is aware, we were formally retained by In Colour on December 12, 2022, and filed our notices of appearance and proposed orders of substitution on that day.

The Court issued the orders of substitution on December 13, 2022. Unfortunately, there appears to have been a clerical error and instead of being substituted in, I was marked terminated as an attorney and was not receiving ECF notifications for the case. I only recently learned of this error and immediately requested that it be corrected.

As a result of this clerical error, I was not aware of the adjournment of the settlement conference per Your Honor's Order. While I did speak with Mr. Sigelman last week and agreed to his request for a new date for the settlement conference sometime in February, we never agreed to early February or any specific date, so there appears to have been a miscommunication between me and Mr. Sigelman in that regard. Unfortunately, I am not available on February 7, 2023, at 2:30 p.m. for the settlement conference as I am scheduled to be on a returning flight from a legal conference in Phoenix, Arizona. This professional event was scheduled many months ago.

We apologize to the Court for the misunderstanding and respectfully request that the settlement conference be rescheduled to a new date. In addition to February 7, we are unavailable on February 3, 6, 13-15, 22-24, and March 8, 2023. I have

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spoken with Mr. Sigelman's office and am advised that he is available the other dates in February, except for the morning of February 8.

Respectfully,

s/Robert A. O'Hare Jr.

Robert A. O'Hare Jr.

cc: Attorneys of Record (via ECF)